



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

CHAN

February 4, 2014

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Maribel Soriano**  
Tax Registry No. 941147  
23 Precinct  
Disciplinary Case No. 2011-6399

The above named member of the service appeared before Assistant Deputy Commissioner Claudia Daniels-DePeyster on August 20, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2011-6399**

1. Said Police Officer Maribel Soriano, while assigned to the 23<sup>rd</sup> Precinct, in New York County, on or about and between October 2, 2011 and November 9, 2011, used an electronic or digital device, while on duty, without authorization. To wit, said Police Officer used her personal smartphone to capture digital photographic images and videos while on duty.

**P.G. 203-06, Page 1, Paragraph 17**  
**Interim Order No. 7, Series 2010,**  
**Revision to Patrol Guide 206-03,**  
**Page 3, Paragraph 3**

**GENERAL REGULATIONS**  
**PERFORMANCE ON DUTY-**  
**PROHIBITED CONDUCT**

2. Said Police Officer Maribel Soriano, while assigned to the 23<sup>rd</sup> Precinct, in New York County, on or about and between October 2, 2011 and November 9, 2011, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department. To wit, said Police Officer failed to maintain confidentiality of digital photographic images and videos taken while on duty.

**P.G. 203-10, Page 1, Paragraph 5**

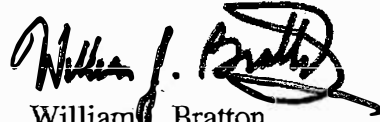
**GENERAL REGULATIONS,**  
**PUBLIC CONTACT-**  
**PROHIBITED CONDUCT**

In a Memorandum dated December 19, 2013, Deputy Commissioner Martin G. Karopkin accepted Police Officer Maribel Soriano pleading Guilty to Specification Nos. 1 and 2, in Disciplinary Case No. 2011-6399. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

**POLICE OFFICER MARIBEL SORIANO**

**DISCIPLINARY CASE NO.  
2011-6399**

In consideration of the totality of the circumstances, including the mitigating facts offered, Police Officer Maribel Soriano's disciplinary penalty shall be reduced to the forfeiture of fifteen (15) vacation days.

A handwritten signature in black ink, appearing to read "William J. Bratton", with a stylized flourish at the end.

William J. Bratton  
Police Commissioner





POLICE DEPARTMENT

December 19, 2013

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Maribel Soriano  
Tax Registry No. 941147  
23 Precinct  
Disciplinary Case No. 2011-6399  
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The above-named member of the Department appeared before Assistant Deputy Commissioner - Trials Claudia Daniels-DePeyster<sup>1</sup> on August 20, 2013, charged with the following:

1. Said Police Officer Maribel Soriano, while assigned to the 23rd Precinct, in New York County, on or about and between October 2, 2011 and November 9, 2011, used an electronic or digital device, while on duty, without authorization. To wit, said Police Officer used her personal smartphone to capture digital photographic images and videos while on duty.

P.G. 203-06, Page 1, Paragraph 17 – GENERAL REGULATIONS,  
Interim Order No. 7, Series 2010, PERFORMANCE ON DUTY -  
Revision to Patrol Guide 206-03, PROHIBITED CONDUCT  
Page 3, Paragraph 3

2. Said Police Officer Maribel Soriano, while assigned to the 23rd Precinct, in New York County, on or about and between October 2, 2011 and November 9, 2011, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department. To wit, said Police Officer failed to maintain confidentiality of digital photographic images and videos taken while on duty.

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS, PUBLIC  
CONTACT PROHIBITED CONDUCT

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<sup>1</sup> Due to ADCT Daniels-DePeyster's long-term absence, this Report and Recommendation is submitted by Deputy Commissioner - Trials Martin G. Karopkin.

The Department was represented by Adam Sheldon, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq.

Respondent, through her counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

### DECISION

Respondent, having pled Guilty, is found Guilty as charged.

### SUMMARY OF EVIDENCE IN MITIGATION

Respondent was appointed to the Department in 2006 and is currently assigned to patrol in the 23 Precinct. While assigned to the 23 Precinct, from October 2, 2011 through November 9, 2011, Respondent took photographs on her cell phone while on-duty. She testified that she took the first set of photos to send to her [REDACTED] as proof that she was working late. That was also her explanation as to why she sometimes took photographs of Department paperwork. With respect to taking photos of a deceased individual, Respondent testified that she did so after having a personal conversation with an investigator on the scene who told her to keep a personal collection of major things that she had seen on the job.

At one point, the photographs that were stored on Respondent's cell phone ended up on a website called Photobucket.com. Respondent explained that she did not intend any of the photos that she took to end up on the website. Her [REDACTED] [REDACTED] e, set up the Photobucket account for her without her knowledge.



There were also personal pictures stored on her phone, such as photographs of herself and her family members, which were uploaded to the website. Respondent testified that she did not want anyone else to see them.

Respondent admitted to taking photos on the side as mementos for her career. While she acknowledged that she did not maintain the confidentiality of the photographs relating to her job, Respondent testified that she made an honest mistake and never had any intention of uploading the photos to the internet. She confirmed that her intention was to document where she was, and then save it as a keepsake, so that she could look back on it when she retires. Respondent testified that she has stopped taking photographs while on-duty.

On cross-examination, Respondent clarified that she used an HTC touch-screen smartphone to take photographs while on-duty. While she admitted to seeing the Photobucket icon on her phone, Respondent was not aware of her photos being linked to Photobucket in that when she used the camera phone to take a photo, it did not open Photobucket as an application. [REDACTED] without her knowledge, had installed Photobucket on her new phone. She testified that, to her knowledge, Photobucket was used for fixing pictures and that she did not know it collected pictures.

Respondent also admitted that she did not take any precautions in order to make sure that the photos on her phone remained confidential. There were photos of herself in uniform, photos of her command, and Department documents stored on her phone. Because the Department documents were for internal Department usage, they all had unique numbers assigned to them, and Respondent admitted to not making any efforts to obscure those unique numbers. She also took photographs of evidence that could be used

in a criminal proceeding and that the Department had collected. She acknowledged that it was important in her job to maintain the integrity of evidence.

In addition to taking photos of Department documents, Respondent took photographs of civilians while on-duty. She acknowledged that those photographs were also uploaded to the Photobucket account. Respondent came in contact with a deceased individual during a radio run that involved a response to a suicide. Respondent acknowledged that she took a few snapshots of the individual. A number of photographs were placed in evidence.<sup>2</sup> Some of these were full-length photographs of the suicide victim lying on the ground, and Respondent admitted she took photos of him with his face covered. She also took photos of the instrument involved in the asphyxiation. In addition, Respondent admitted to taking photos of the faces of certain patients at Bellevue Hospital, even though she was aware of the importance of maintaining the privacy of the individuals that she encountered while on-duty.

Eventually, the photographs on Respondent's phone were uploaded onto her Photobucket account. As a result of her Photobucket account not having any password or privacy protections and being open to the public, Respondent was contacted by a female member of the media about the uploaded photographs. The woman came to her house and told Respondent about the uploaded photos and said that Respondent was "going to get in trouble." Respondent testified that she told the woman that she did not know anything, and that perhaps someone broke into her phone. Although Respondent initially thought it was a joke, she reported the incident to a lieutenant. She called the Deputy Commissioner of Public Information Office to explain what had transpired. Respondent

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<sup>2</sup> Department Exhibit (DX) 1 consists of eight pages of miniature photographs. DX 2 is a compact disk of photographic images.



testified that she was eventually contacted by investigators, to whom she also explained the situation.

Upon further questioning by the Court, Respondent admitted to not understanding the process by which the pictures were uploaded to Photobucket until someone explained it to her. She admitted to being embarrassed that every photograph that she had on her phone, including photos of her [REDACTED] and her vacation photos, ended up on Photobucket because [REDACTED] did not disable the feature that uploads photos from the phone application onto the website.

### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on January 31, 2006. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

There is no question that Respondent, while on-duty, took photographs of things that should not have been the subject of photography on her personal camera for her personal use. These include Department documents and pictures of a suicide victim.

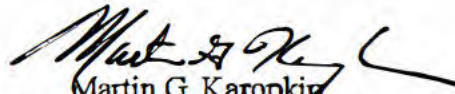
There is also no question that these photographs were uploaded to a server which allowed public access to these and other photographs she had taken. Her testimony that she had no idea that the photographs she took were being uploaded is very credible. It is hardly surprising that she would not be as technologically savvy as her [REDACTED] and not realize what he did with her smartphone settings. But it is no excuse, as she

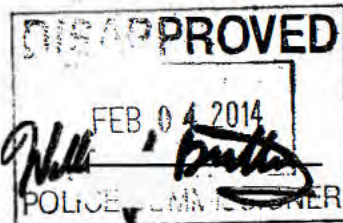
should not have taken some of the photographs under any circumstances. This is particularly true of an arrest report which contained a picture of the arrestee along with his name and the pictures of the suicide victim.

The Department has recommended a penalty of 20 vacation days. The fact that Respondent immediately notified appropriate supervisors in this Department when she was contacted by the media is certainly to her credit and merits consideration. However, what occurred here was quite serious, as the publication of personal information obtained through police work is a breach of trust no matter how accidental.

It is therefore the recommendation of this Court that Respondent forfeit 30 vacation days.

Respectfully submitted,

  
Martin G. Karopkin  
Deputy Commissioner – Trials





POLICE DEPARTMENT  
CITY OF NEW YORK

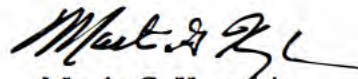
From: Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER MARIBEL SORIANO  
TAX REGISTRY NO. 941147  
DISCIPLINARY CASE NO. 2011-6399

In 2012, Respondent received an overall rating of 4.0 “Highly Competent” on her annual performance evaluation. She was rated 3.5 “Highly Competent/Competent” in 2010 and 2011. [REDACTED]

[REDACTED] Respondent has no prior formal disciplinary record.

For your consideration.

Respectfully submitted,



Martin G. Karopkin  
Deputy Commissioner – Trials